UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

EARNESTINE DAVIS,)	
)	
Plaintiff,)	
)	
V.)	No. 4:08-CV-1969 CAS
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER OF REMAND

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge Frederick R. Buckles, filed March 24, 2009. See 28 U.S.C. § 636(b). Defendant filed a motion to remand the case on March 23, 2009. The Magistrate Judge recommended that the Court grant defendant's request to remand the case for further administrative proceedings pursuant to sentence six of 42 U.S.C. § 405(g), because the claim file has been lost. Defendant states that he will attempt to gather the missing evidence and prepare a certified administrative record if possible or, if not, remand the matter to an Administrative Law Judge with instructions to reconstruct the administrative record, conduct another hearing and issue a new decision.

Neither party has filed an objection to the recommendation. No answer has been filed in this case. As such, the Motion to Remand is timely filed and the defendant has shown good cause for such remand. See 42 U.S.C. § 405(g); Buckner v. Apfel, 213 F.3d 1006, 1010 (8th Cir. 2000).

After careful review of the matter, the Court concurs with the recommendation of the Magistrate Judge that this matter be remanded pursuant to sentence six of 42 U.S.C. § 405(g).

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States

Magistrate Judge is sustained, adopted and incorporated herein. [Doc. 12]

IT IS FURTHER ORDERED that the defendant's Motion for Remand is GRANTED.

[Doc. 10]

IT IS FURTHER ORDERED that pursuant to sentence six of 42 U.S.C. § 405(g), this case is **REMANDED** to the Commissioner for further administrative proceedings, as set forth above.¹

CHARLES A. SHAW

UNITED STATES DISTRICT JUDGE

Dated this 8th day of April, 2009.

 $^{^{1}}$ It is the Commissioner's duty to file with the district court the results of any proceedings upon remand. 42 U.S.C. § 405(g).